

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHAEL DELUCA,

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 3:20-CV-01242-MAB

MEMORANDUM AND ORDER

BEATTY, Magistrate Judge:

This matter is before the Court on Plaintiff's first motion for attorney fees filed on November 21, 2021. Plaintiff requests attorney fees in the amount of \$3,312.50 (Doc. 29). Plaintiff is not seeking any additional costs at this time. Defendant has no objection (Doc. 31).

The Court finds that Plaintiff is the prevailing party and is entitled to an award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(B). The Court further finds that the agreed upon amount is reasonable and appropriate. This award shall fully and completely satisfy any and all claims for fees and expenses that may have been payable to Plaintiff in this matter pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

Plaintiff's Petition to Award Attorney Fees Pursuant to the Equal Access to Justice Act (EAJA) (Doc. 29) is **GRANTED**. The Court awards Plaintiff attorney's fees and

expenses in the amount of \$3,312.50 (three thousand three hundred twelve dollars and fifty cents).

The amount awarded is payable to Plaintiff and is subject to set-off for any debt owed by Plaintiff to the United States, per *Astrue v. Ratliff*, 560 U.S. 586 (2010). *See also Harrington v. Berryhill*, 906 F.3d 561 (7th Cir. 2018). If Defendant can verify that Plaintiff does not owe a pre-existing debt to the government subject to the offset, Defendant will direct that the award be made payable to Plaintiff's attorney pursuant to the EAJA assignment duly signed by Plaintiff and counsel. If Plaintiff owes a pre-existing debt subject to offset, Defendant will direct payment of the remainder to Plaintiff and send it to their attorney's office (Doc. 31).

IT IS SO ORDERED.

DATED: December 9, 2021

s/ Mark A. Beatty
MARK A. BEATTY
United States Magistrate Judge